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March 3, 2022

VIA ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Robert Ryuichi Mitsugi v. Eunji Jung, No. 1:22-cv-08025 (LGS)***

Dear Judge Schofield:

We write on behalf of Petitioner Robert Ryuichi Mitsugi in response to the Notice of Filing of Official Transcript, dated February 24, 2023 (ECF No. 37). Pursuant to Section I(D)(3) of the Court's Individual Rules and Procedures for Civil Cases ("Individual Rules"), Mr. Mitsugi respectfully submits this letter motion ("Letter") to redact portions of the preliminary conference transcript held telephonically on November 30, 2022 ("November Transcript").

Specifically, Petitioner respectfully requests the redaction of the testimony of Respondent Eunji Jung on pages 13:6–14:2 ("Section") of the November Transcript. In this Section, Ms. Jung makes allegations against Mr. Mitsugi that have the potential to adversely impact these proceedings, as well as the ongoing legal dispute taking place between Ms. Jung and Mr. Mitsugi in Japan. Accordingly, Mr. Mitsugi respectfully requests the redaction of the Section. *See* Fed. R. Civ. P. 5.2(e)(1) ("for good cause, the court may order in a case: [] require redaction of additional information.").

In accordance with Individual Rule I(D)(3), Mr. Mitsugi attaches the November Transcript with proposed redactions to this Letter, as Exhibit A, and Mr. Mitsugi shall file under seal: (1) Exhibit B, the November Transcript with proposed redactions highlighted; and (2) Exhibit C, the November Transcript unredacted.


Thank you for your attention to this matter.

Arnold & Porter

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Respectfully submitted,

Dated: March 3, 2023

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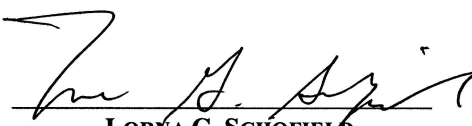
Enclosure

cc: All Counsel

Application **DENIED**. The statements Petitioner seeks to redact were made in a public forum and are substantively alluded to in other public filings in this case. *See Gambale v. Deutsche Bank AG*, 377 F.3d 133, 144 (2d Cir. 2004) (“[H]owever confidential [information] may have been beforehand, subsequent to publication it was confidential no longer. . . . We simply do not have the power, even were we of the mind to use it if we had, to make what has thus become public private again. The genie is out of the bottle”); *United States v. Koretskyy*, No. 12 Crim. 439, 2021 WL 21562599, at *2 (S.D.N.Y. May 27, 2021). Further, the transcript of the initial pre-trial conference is a judicial document, *see Gambale*, 377 F.3d at 143 (“[T]he statements at the conference . . . having been reduced to transcript form and filed[] were part of a judicial record[.]”), and Petitioner does not provide an adequate basis to rebut the presumption of public access that applies to court records. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). So Ordered.

The Clerk of Court is respectfully directed to close the motion at Dkt. 38 and to unseal the documents at Dkt. Nos. 36 and 39.

Dated: March 6, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE